IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD

THE HON'BLE SRI JUSTICE GOPALAKRISHNA TAMADA

Writ Petition No.9118 of 1998

Dated: 08-03-2007

Between:

The Yadava Yuvajana Seva Sangam,
Tirupati, rep.by its President
N. Srinivasulu Yadav, s/o Subbarayudu,
aged about 45 years,
r/o 321, Mangalam Quarters,
Tirupati, Chittoor District.

... Petitioner

and

1. The Mandal Revenue Officer,
   Tirupati, Urban,
   Chittoor District and 2 others.

... Respondents

ORDER:

Petitioner, a Sangam called as The Yadava Yuvajana Seva Sangam, Tirupati, states that it is established for the purpose of looking after the welfare of its members in all respects and there are 565 members in the said Sangam. On a representation made by its members to the first respondent, the authorities, during the year 1985, considered their request for allotment of house sites in the Government vacant land

in an extent of Ac.22-00 in Sy.No.85/2 at Tirupati by allotting Ac.0-03 cents to each member of petitioner's Sangam. In the year 1992 individual patta certificates, dated
24-12-1992 were also granted by the first respondent. After allotment of the house sites, the members of the Sangam by securing required amounts constructed huts for dwelling. It is stated that in the year 1996 when the first respondent interfered with the possession of the some of the members, petitioner filed W.P.No.13273 of 1996 and this Court disposed of the said writ petition at the admission stage with a direction to the respondent not to dispossess the members in whose favour DKT pattas were already granted without resorting to due process of law. It is further stated that during May, 1997 there was a fire accident and due to which all the huts belonging to the members of the petitioner were gutted and thereby rendered them homeless. It is further stated that when the members of the Sangam are preparing to erect huts, the respondent authorities visited the place and interfered in erecting the huts and also threatened the members that they will dispossess by using police force. Hence, the petitioner approached this Court and filed the present writ petition seeking *mandamus* directing the first respondent not to interfere with erecting and construction of huts by the members of the petitioner's Sangam in the sites for which they all possess DKT pattas granted in the year 1992 by the first respondent and consequently direct the third respondent to arrange police protection to the members of petitioner's Sangam.

2. Heard learned counsel for the parties.

3. A detailed counter affidavit is filed by the first respondent, wherein it is stated that the land in S.No.85/2 claimed by the petitioner is a private patta land and the Government has no right to assign the said land in

favour of the members of the petitioner's Sangam. It is further stated in the counter affidavit that the other land wherein pattas were claimed to have been granted i.e. S.No.85/1 is purely a communal poramboke classified as tank locally known as "Anna Cheruvu" which is a registered source of irrigation maintained by the Panchayat Raj department under which an extent of Ac.27-00 of lands are being irrigated and hence, the question of assigning the said land in favour of the petitioner will not arise.

4. In the light of the said contention put forth by the first respondent in his counter affidavit, this Court is of the view that the very assignment made in favour of the petitioner's Sangam is doubtful. Hence, this Court is of the view that the writ petition is liable to be dismissed.

5. Accordingly, the writ petition is dismissed. No costs.

JUSTICE GOPALAKRISHNA TAMADA

Dt.08-03-2007
GLV